

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, September 23, 2004

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, September 23, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Arthur Blackwell, II **(ABS)**
Erminia Ramirez
Jim Holley
Megan Norris
Willie Hampton **(ABS)**

Department Personnel Present

Chief Ella M. Bully-Cummings
AC Harold Cureton
Cmdr. Craig Schwartz
Cmdr. Herbert Moreland
Cmdr. Walter Martin
Cmdr. Ralph Godbee
Insp. Gail Wilson-Turner
Insp. Jamie Fields
Insp. Janice Butler
Lt. R. Nolan
Lt. Foreman
Sgt. Debbie Jackson
Sgt. Alexander
Sgt. Meyers
Sgt. Mitchell
PO Huggins
PO Mike Woody
SPO Gerald Chomos

Board Staff Present

Dante' L. Goss, Executive Director
E. Lynise Bryant-Weekes, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv. **(ABS)**
Arnold Sheard, Interim Chief Investigator

OTHERS PRESENT

Ron Scott
Sandra Hines
Gloria Canales

RECORDERS

Jerome Adams
Kellie Williams

1. CALL TO ORDER

Vice-Chairperson Ramirez called the regular meeting of the Detroit Board of Police Commissioners to order at 3:14 p.m.

2. APPROVAL OF MINUTES

♦ **Thursday, September 16, 2004**

MOTION: **Comm. Holley** made the motion to approve the above Minutes.

SECOND: **Comm. Norris** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

Vice-Chairperson Ramirez stated I understand that we had some promotions that we just received and at this point what we are going to do is postpone it for the following week because we didn't get a chance to see or hear any comments from the other Commissioners.

4. SECRETARY'S REPORT – EXECUTIVE DIRECTOR GOSS

ANNOUNCEMENT OF GENERAL ORDER

The following directive will be presented for discussion at the Board of Police Commissioners' Meeting on September 30, 2004:

- **Training Directive 04-4: GARRITY PROTOCOL**

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2004 - Weekly Count of Complaints:	22	1,218
2003 - Weekly Count of Complaints:	14	955

5. REPORT/PRESENTATION – CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

***REPORT TO THE* BOARD OF POLICE COMMISSIONERS**

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

During the period of September 15TH – 21ST the *Narcotics Enforcement and Conspiracy Units* conducted 24 street enforcement actions and 36 search warrants within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ◆ 40 Felony arrests
- ◆ 103 Misdemeanor arrests
- ◆ 3 Juveniles detained
- ◆ 4 Vehicles confiscated
- ◆ 2,174.1 Grams of cocaine, 39.9 grams of heroin, and 7,250 grams of marijuana - street value **\$970,472.00**

- ◆ \$20,907.00 U.S. currency
- ◆ 7 Handguns
- ◆ 5 Long guns

On September 16th, *The Gang Enforcement Section* and *The Vice Unit* conducted enforcement actions within the boundaries of the Ninth Precinct, resulting in the following arrests and citations:

- ◆ 2 Arrested for "Disorderly Conduct – Flagging"
- ◆ 2 Arrested for "Offer to Engage Another for the Act of Prostitution"
- ◆ 2 Arrested for "Admitting and Receiving"
- ◆ 4 Vehicles confiscated

THIRD PRECINCT

On September 17th, officers from the 3rd Precinct responded to the 4000 block of W. Fort on a "Man Shot" run. The business owner stated a man approached, produced a blue steel automatic handgun and demanded his moneybag. A struggle ensued, which resulted in the owner being shot in the leg. Officers broadcast pertinent information received from witnesses over the police radio. Due to the assistance of the Michigan State Police working with officers of the 3rd Precinct, the wanted man was arrested. Confiscated was a handgun; the moneybag was recovered containing \$6,000.00.

Crime Statistics

Citywide, crime is down by 4.30%, and the violent crime reduction is 8.71%, compared to 2003. These statistics are based on Preliminary Complaint Reports.

Police/Community Intervention



TAKING THE GUNS OFF THE STREET !


Total Guns Confiscated
Year-To-Date
2,933

EIGHTH PRECINCT

On September 17th, officers of the 8th Precinct responded to a "Breaking and Entering Alarm - Motion Inside" run. Upon arrival, the officers observed a man exiting the building pulling a tire rack containing 14 new tires. After spotting the officers, the man attempted to escape on foot. A short foot chase ensued; the man was arrested without further incident.

NINTH PRECINCT

On September 21st, officers of the 9th Precinct while on patrol in the 13000 block of Gratiot heard an audible alarm sounding from a nearby business. The officers secured the front and rear exits. As an officer climbed onto the roof of the business, a man jumped off the roof. He was arrested by the two (2) waiting officers. Review of past break-ins, revealed numerous roof top entries in the vicinity. The man arrested matched the physical description given by witnesses in other break-ins.

TENTH PRECINCT

On September 17th, officers of the 10th Precinct responded to the 2100 block of Oakman on a "Home Invasion" run. While the officers were taking a witness statement and a description of the man who broke into the location, the homeowner stated, "There he goes" and pointed down the street. Officers gave chase on foot, and after a brief struggle, the man was arrested.

TWELFTH PRECINCT

On September 17th, officers of the 12th Precinct received a police report from a man who stated he was approached by a man who produced a handgun and demanded his wallet, cell phone and the keys to his 2004 Saturn. Officers broadcasted the information over the police radio. Officers of the 12th Precinct observed a vehicle matching the description of the wanted vehicle in the area of 14th and Calvert. As a result of their investigation, the driver was arrested for "Armed Robbery," "Carjacking" and "Habitual 3rd Offense." Confiscated was a handgun.

THIRTEENTH PRECINCT

On September 18th, officers of the 13th Precinct investigated a black 2003 Escalade for making an improper turn onto southbound Cass. Subsequently, the driver was arrested for "No Operator's license in Possession." Confiscated was a blue steel automatic handgun.

THE TRAFFIC ADMINISTRATION UNIT

On September 15th, in our continuing effort to keep the school children safe, the Traffic Administration Unit acquired ten (10) additional crossing guards. The crossing guards

will be evenly distributed across the city, five (5) on the eastside and five (5) on the westside.

Chief of Police Ella M. Bully-Cummings

6. PRESENTATION – DISCIPLINARY ADMINISTRATION SECTION

Chief Bully-Cummings stated Insp. Gail Wilson-Turner is the commanding officer of the Disciplinary Administration Section (DAS). If I could just preference her presentation, she went over there and she really began organizing and pulling together things that have been allowed to just build up over the years. She has done a tremendous job since she has taking over DAS. My compliments and my hat are off to her.

Insp. Wilson-Turner gave the following PowerPoint presentation:

(See Attachment)

Questions & Answers

Comm. Norris asked can you refresh our memory about who needs to be on those Trial Boards?

Insp. Wilson-Turner stated it is made up of one (1) commander and two (2) inspectors.

Comm. Holley asked who receives the results of the Trial Board?

Insp. Wilson-Turner stated they are sent out throughout the department in the Personnel Orders.

Comm. Norris stated we get those, but I don't know if we get the whole, but we certainly get a one-page summary whenever there is a Trial Board of what the charges were and what the findings are.

Comm. Holley stated so am I correct in assuming that nothing has been going on for the last six (6) or seven (7) months because I don't recall seeing anything.

Insp. Wilson-Turner stated that's not true we usually send....

Vice-Chairperson Ramirez asked once you receive a case from the Office of the Chief Investigator, how long does it take to process?

Insp. Wilson-Turner stated I review the investigation report, I decide on what charges should be drawn up after I review the package that the OCI sends and

then after we do that, we prepare all of the paper work that has to be sent out for a Commander's Action or a Trial Board.

Vice-Chairperson Ramirez asked how long between the time that you review it and by the time it gets to the Trial Board?

Insp. Wilson-Turner stated it takes me a good sixty days, to make sure that I have everyone on the same page because you have to consider everyone's schedule.

Vice-Chairperson Ramirez stated once you scheduled them and once a Trial Board goes how long would it be by the time we get our report?

Insp. Wilson-Turner stated you have to understand that if the officer is not happy with the outcome of his Trial Board, he has appeal rights that he has to put into place. So, with that said, just to give you a number, I would say about another six (6) months?

Vice-Chairperson Ramirez asked has there been something in place where you may flag a particular precinct or a particular officer might need some additional training, but you don't wait for the Trial Board?

Insp. Wilson-Turner stated absolutely.

Vice-Chairperson Ramirez asked but we don't wait until the Trial Board?

Insp. Wilson-Turner stated right.

Vice-Chairperson Ramirez asked is there any way that we could get some response as far as, we went ahead and did some training in this area or this particular precinct because they had too many demeanors and charges and going on? If so, we have not been receiving that information?

Insp. Wilson-Turner stated I am sure that is something that we could put in place.

Comm. Holley asked would we receive a report when an officer decides to appeal?

Insp. Wilson-Turner stated you would get it at the end of each step after the Board process is finished. For example, at the end of the Trial Board, you would get that information and if he decides to appeal, you would get that information.

Chief Bully-Cummings stated I would like you to explain to the Commissioners about what you were confronted with and where you are today because there

was an excessive backlog and it required a lot of coordination and work on her part. I would say that she does have minimal staff.

Insp. Wilson-Turner stated that information is represented in the last slide of the presentation.

Vice-Chairperson Ramirez asked what alerts you that training is needed?

Insp. Wilson-Turner stated we have to review the report after...understand that there are three pair of eyes on that report before I see it, such as, two sergeant's and a lieutenant and we all discuss each case before we decide on what we are going to do as far as training.

Vice-Chairperson Ramirez asked what tickler system do you use for data entry?

Insp. Wilson-Turner stated Sgt. Meyers has devised a tickler system that alerts us because there would be a lot of times that we see the same officers over and over again.

Vice-Chairperson Ramirez stated so do we and we are noticing that certain officers getting complaints.

Insp. Wilson-Turner stated so what we do is, it is brought to Risk Management's attention, although what we need to is as far as it is a high list for the Department, so in actuality we alert my Commander to see if a certain officer's name is coming up all of the time as far as discipline. At that point, usually I refer to the Commander and naturally the deputy chief. The commander has a member under Risk Assessment doing the alert packages to let the department know if we have an officer that is having some problems.

Vice-Chairperson Ramirez asked could we set up a meeting to see what you are referring to?

Cmdr. Godbee stated we are in the process of developing and implementing an awareness system, it is in the process of having some technical assistance from the Department of Justice. We are just about to complete with that product.

Comm. Norris stated as Comm. Ramirez we review the citizen complaints and then it vanishes, it goes out of our hands. You are absolutely right that we do get a report back on every Trial Board, but those don't tie in any way to the cases we sent over. In other words, I get a stack of 30 of these and I don't know if two of them came out of OCI and don't have a way of knowing without going back and doing a lot. What would really be helpful is if we could get something back that says, on February 4th you sent over this one that sustained the wrong conduct and on June here is what they found, so that we could look at whether we think

the disciplines in those situations seem appropriate or not. If, so great and if not then we could come back to you and talk about that. I know that you have about 50 different reporting ways to go and so Comm. Ramirez and I are looking for ways that don't necessarily require a whole lot of more work on your part. But what we get doesn't help us remember what case that was in any way because we don't always....

Insp. Wilson-Turner stated maybe with the assistance of OCI, they could decide what information you want to know or you need to know and we could put something in place. It might be something that we already have that you aren't getting and we could always look into that.

Comm. Norris stated maybe even just on the reports that we currently get if you could get if that complaint arose out of an OCI charge because then if it didn't we know that it's not one that we already know about and if we did then we could decide which one we want to go back and look at.

Insp. Wilson-Turner stated I understand what you are saying.

Vice-Chairperson Ramirez stated the citizens make their complaints and OCI finds out that there is some truth to the complaint, the citizens would get their letters saying sustained, where we have been talking about this constantly that we are not getting it back. After this meeting, I could give you a list of the few that we had forward over the concerns that we had to Chairperson Blackwell that we have not received a response since April.

Insp. Wilson-Turner stated I can work closer with Mr. Sheard and we can see what we could come up with, that's not a problem.

Comm. Norris asked regarding the disciplinary matrix is that something that we could have some input into?

Insp. Wilson-Turner stated sure you could. I was just going by the guidelines that were in the consent decree and what they wanted. Please understand that when I get through with it, it will go over to CRIB and then CRIB will have a meeting with several entities throughout the Department and I would be glad to invite one of you.

Comm. Norris stated that is really partly a policy issue on how much disciplinary different offenses varies. One of the things that we find when we are doing the appeals is that we might totally agree with the findings of the Trial Board and we might actually agree with the discipline rendered by the Trial Board and then we compare it to another case and the two don't match and it's like we can't uphold this one if the other one is not here. So, that is something that we are very interested in and making sure that there is some consistency.

Insp. Wilson-Turner stated please understand that even with the matrix, when an officer appeals to arbitration you can't control that.

Comm. Norris stated we can't control that, I understand that.

Insp. Wilson-Turner stated exactly.

Comm. Norris asked if I am on the Trial Board as a hearing officer will I have this matrix available to me so that there is some uniformed understanding of what would be appropriate in various kinds of circumstances?

Insp. Wilson-Turner stated no.

Chief Bully-Cummings stated because her matrix is not just based upon a specific violation, it also takes into consideration progressive discipline.

Comm. Norris stated the history.

Chief Bully-Cummings stated therefore, if I have been brought upon charges five times and it is sustained and you and I do the same thing and this is your first, behind me may very well may be termination, which yours might get three days.

Comm. Norris stated I absolutely understand that. The concern is that if a guy hit, beat and lied and whatever and another guy mouth off to his supervisor and the guy that did the hit, beat and lied received five days and the mouth off of the supervisor was 180 days and we are like wait a minute that doesn't seem like the way that we would be doing and I know that til now that the Trial Board largely decides those things on their own in one problem versus another that comes out very differently. I absolutely understand Chief, that different circumstances merit different things. What I am asking for is that would the Trial Board have some guidance.

Chief Bully-Cummings stated that is the whole purpose for the disciplinary matrix to provide uniformity and penalty that is being meted out.

Comm. Norris stated I think that at least our Disciplinary Appeals Committee probably would like to make sure that we are comfortable, before it is bedded in stone. I guess that as we would be, but just to make sure that we are comfortable with where that looks like that is coming from.

Chief Bully-Cummings stated we will advise the Committee.

Comm. Norris asked are you keeping up with the current cases, but not digging into the backlog?

Insp. Wilson-Turner stated as it relates to the backlog, understand that all of these commander's actions are out of the precincts, I am just waiting for the disposition to come back to me. I just wanted you to look at the numbers and realize that we review them, we decide if a commander's action warranted and then we go back out to the precinct and uphold that commander's action and they have thirty days in which to do that. But they constantly come in because the executives are out there doing their jobs for the precincts.

Comm. Holley asked is there anything in place where we communicate with Recruiting so that they know what training to reinforce? Is there any type of data to see whether or not this is a typical trend of percentage numbers? Is this something that we need to be concerned about? Is there something that could be recommended? How do we compare to other police departments?

Insp. Wilson-Turner stated the Risk Management Bureau does work closely with the Academy, Police Personnel, Discipline and Internal to ensure that we are getting the best possible officers that we can get. She also stated as far as, comparing us to other as far as, comparing ourselves to other departments, I have not had an opportunity to really look around Michigan to see how others handle discipline. Thirdly, I do get a lot of feedback from DPOA and DPLSA.

Vice-Chairperson Ramirez asked when the training is done, is it per precinct or is it the whole Detroit Police Department? How would we know what type of training is occurring to each precinct? Is there such training?

Insp. Wilson-Turner asked are talking about the Executive Training or are you talking about training for the officers?

Vice-Chairperson Ramirez stated the officers.

Insp. Wilson-Turner stated that is held through the Academy and they put out booklets on an annual basis that list all the training that is offered to the officers of the department.

Comm. Norris asked there anything that we could do to help encourage the commander's to hold their hearings?

Insp. Wilson-Turner stated no, I think that we have that under control.

Comm. Norris stated my concern is that it looks like in all the other areas we really have gotten rid of the backlog and we are keeping current with everything, and it looks like to me that in regards to the commander's actions that we are getting through them as they come in, but we haven't wipeout the backlog. I am sure that there is a lot of logistics that come into play, but if that is one that we could get them to focus on then that would be a great thing.

7. OTHER BUSINESS

Chief Bully-Cummings stated there was a young person, who was sexually molested this past weekend, and today, to the efforts of several citizens in the community and police officers, that individual was taken into custody, I believe that it is going to show up that he was the person who committed that assault as he escaped from robbing a bank. So they did a tremendous job in following this person and making sure that he was still there for police to take him into custody.

8. ANNOUNCEMENT OF NEXT MEETING

Thursday, September 30, 2004 @ 3:00 p.m.
Police Headquarters
1300 Beaubien, Rm. 328-A
Detroit, MI 48226

9. ORAL COMMUNICATION FROM THE AUDIENCE

PO Eric Tosky he asked if the Minutes on the Board of Police Commissioners website be updated because the last date shown is May 6, 2004.

I.C.I. Sheard stated there was a problem with the web page and there was a meeting yesterday with part of our staff and CCSD to correct it, so it will be updated.

Comm. Holley asked you do know that he said May 6th.

I.C.I Sheard stated yes.

PO Tosky voiced his concerns that as a police officer and a citizen I am kind of uneasy with the way that we handle our complaints and the complaint system seems to be adversarial. He also handed the Commissioners and the Chief a book regarding mediation and citizen complaints.

Comm. Norris stated one of our staff member's (Denise Hooks) is very interested in the possibility of mediation and has been looking into it. But we would make sure that we get this to her and I encourage you to contact her and she can bring you up to speed on what she has looked at and I know that there is union issues, consent decree issues and all kinds of issues, but I think that she is optimistic that even with all of those issues there is some way to navigate this so that some things could be done.

PO Tosky stated I have spoken with the union about it and the members of the union are definitely for it. One of the nice things that I see about the mediation process is the confidentiality of it. There are no union lawyers; there is no union leadership that goes into the meditation. It is the mediator, instead of sending the police officer.

10. ADJOURNMENT

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw